

FAIRFAX CIRCUIT COURT

YECENIA AMAYA
8635 Village Way
Alexandria, VA 22309

PLAINTIFF,

v.

SPARKCLEAN LLC
6801 Richmond Highway, Suite 202
Alexandria, VA 22309

Serve: Sarah Pelletier
12407 Harbor Drive
Woodbridge, VA 22192

SARAH PELLETIER
12407 Harbor Drive
Woodbridge, VA 22192

DEFENDANTS.

Case No.: 2019 07381

COMPLAINT

The plaintiff, Yecenia Amaya (“Plaintiff”), submits this Complaint against SparkleClean LLC and Sarah Pelletier (collectively, “Defendants”) to recover damages under the Fair Labor Standards Act, 29 U.S.C. §§ 201 *et seq.* (“FLSA”) as set forth below.

PARTIES AND JURISDICTION

1. Plaintiff is an adult resident of Virginia.
2. Defendant SparkleClean LLC is a Virginia limited liability company operating Sparkle Clean Maid Service, a house cleaning service with its principal office located at 6801 Richmond Highway, Suite 202, Arlington, Virginia (“SparkleClean”).
3. Defendant Sarah Pelletier (“Pelletier”) is an adult resident of Virginia and an owner of defendant SparkleClean.

EXHIBIT

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4. At all times relevant to this Complaint, Pelletier made all relevant decisions regarding Plaintiff's compensation.

5. At all times relevant to this Complaint, Plaintiff was an employee of Defendants within the meaning of 29 U.S.C. §203(e)(1).

6. At all times relevant to this Complaint, Plaintiff was an employee engaged in commerce and/or an employee in an enterprise engaged in commerce within the meaning of 29 U.S.C. §§206(a) and 207(a)(1).

7. At all times relevant to this Complaint, Defendants were each and all employers as that term is defined by 29 U.S.C. §203(d).

8. Plaintiff claims more than \$4,500 in damages.

FACTS

9. Plaintiff worked for Defendants as a maid in their house-cleaning service from around August 17, 2016 until around March 5, 2019.

10. Defendants initially paid Plaintiff a daily rate of \$90.00 and, beginning with the week ending May 14, 2017, a daily rate of \$92.00.

11. During most weeks of her employment, Plaintiff worked an average of around 9 hours per day from Monday through Friday for a total of around 45 hour per week.

12. In some weeks, Plaintiff also worked on Saturdays, when she averaged around 11 hours, for a total of around 56 hours per week.

13. Defendants never paid Plaintiff at the overtime premium rate of one and one-half times her regular rate for all hours over forty worked in each one-week period.

COUNT I
Violation of Fair Labor Standards Act
(Overtime)

14. Plaintiff re-alleges and re-asserts each and every allegation set forth above as if each were set forth herein.

15. The FLSA mandates that employers must pay non-exempt employees overtime wages in the amount of one-and-one-half times the employee's lawful hourly rate of pay for all hours worked per week in excess of forty.

16. Defendants' failure and refusal to pay Plaintiff as required by the FLSA was willful and not in good faith inasmuch as Defendants were aware or reasonably should have been aware of their obligation to pay Plaintiff consistent with the FLSA but did not do so.

17. As a result of Defendants' unlawful conduct, Plaintiff suffered a loss of wages.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully request that this Court:

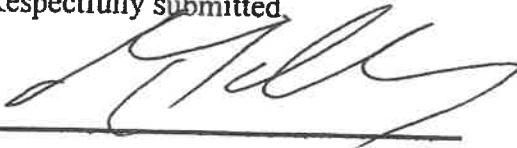
1. Order Defendants to pay to Plaintiff all overtime wages owed, consistent with the Fair Labor Standards Act;

2. Award Plaintiff liquidated damages for all overtime wages owed pursuant to 29 U.S.C. §216(b);

3. Award Plaintiff her reasonable attorney's fees and costs; and

5. Award Plaintiff such other legal and equitable relief as the Court deems appropriate.

Respectfully submitted,



Gregg C. Greenberg (Bar No. 79610)
Zipin, Amster & Greenberg, LLC
8757 Georgia Avenue, Suite 400
Silver Spring, MD 20910
Tel: 301-587-9373
Fax: 240-839-9142
ggreenberg@zagfirm.com

Counsel for Plaintiff

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CIVIL INTNS

COMMONWEALTH OF VIRGINIA
CIRCUIT COURT OF FAIRFAX COUNTY
4110 CHAIN BRIDGE ROAD
FAIRFAX, VIRGINIA 22030
703-691-7320
(Press 3, Press 1)

2019 JUN 17 PM 2:15
JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA

Yecenia Amaya vs. Sparkleclean LLC et al.

CL-2019-0007381

TO: Sarah Pelletier
12407 Harbor Drive
Woodbridge VA 22192

SUMMONS – CIVIL ACTION

The party upon whom this summons and the attached complaint are served is hereby notified that unless within 21 days after such service, response is made by filing in the Clerk's office of this Court a pleading in writing, in proper legal form, the allegations and charges may be taken as admitted and the court may enter an order, judgment or decree against such party either by default or after hearing evidence.

APPEARANCE IN PERSON IS NOT REQUIRED BY THIS SUMMONS.

Done in the name of the Commonwealth of Virginia, on May 30, 2019.

JOHN T. FREY, CLERK
By: 
Deputy Clerk

Plaintiff's Attorney: Gregg C. Greenberg

SPS

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

PROOF OF SERVICE

Yecenia Amaya

Plaintiff

vs

CL-2019-0007381

Subtype: Summons/Complaint

Serve: Sarah Pelletier

Sparkleclean LLC et al.

Defendant

STATE OF Maryland

CITY/COUNTY OF My Fairness, to wit:

This day Richard Tatton

personally appeared before the undersigned Notary Public in and for the City/County and State aforesaid; and, having been first duly sworn according to law, deposes and states as follows: that he/she is not a party to, or otherwise interested in, the subject matter in controversy in the within cause, that he/she is over the age of 18 years; that on the 10th day of June, 2010, at

2:00 o'clock P.m. he/she served the within Complaint, in person, on the Defendant
SARAH PEY ET AL at 12407 HARBOUR DRIVE
WOODBRIDGE, VA 22192

resident of the State of Virginia.

January 11, 1941

AFFIANT

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TITLE

Subscribed and sworn to before me in my City/County and State, aforesaid, this

11th day of June, 2019.

Ander Alzás

NOTARY PUBLIC

Notary ID #: 11-1111111

My Commission expires: 1/23/2020

BRENDA L ARIAS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires September 23, 2020

SPS

VIRGINIA:

IN THE CIRCUIT COURT OF FAIRFAX COUNTY

PROOF OF SERVICE

Yecenia Amaya

Plaintiff

VS

Sparkleclean LLC et al.

Defendant

CL-2019-0007381

Subtype: Summons/Complaint

Serve: Sparkleclean LLC

STATE OF MarylandCITY/COUNTY OF Maryland, to wit:This day Richard Fathin

personally appeared before the undersigned Notary Public in and for the City/County and State aforesaid, and, having been first duly sworn according to law, deposes and states as follows: that he/she is not a party to, or otherwise interested in, the subject matter in controversy in the within cause, that he/she is over the age of 18 years; that on the 11th day of June, 2019, at

2:00 o'clock P.m. he/she served the within Complaint, in person, on the Defendant

SARAH FELLER at 12407 HARBOR DRIVE

WOODBRIDGE, VA 22191

and the Defendant is is not a resident of the State of Virginia.

RICHARD FATHIN
AFFIANT

PPS
TITLE

Subscribed and sworn to before me in my City/County and State aforesaid, this

11th day of June, 2019.

Brenda Arias
NOTARY PUBLIC

Notary ID #: _____

My Commission expires: 9/23/2020

BRENDA L. ARIAS
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires September 23, 2020

13M
2019 JUN 17 PM 2:16
FILED
CIVIL INTAKE
JOHN T. FREY
CLERK, CIRCUIT COURT
FAIRFAX, VA